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ABSTRACT

In relation to the potential of P.L. 96-272, the condition of black children in the child welfare system has not improved. Before P.L. 96-272, services were not rendered to prevent placement, and foster care was allowed to go on too long or to become the resolution of the child's situation as opposed to finding a permanent home. The law provided for preventive and supportive services to keep families together, removing children from foster care quickly, parent involvement, and subsidized adoption for "special needs" children. However, recent studies indicate that black children are placed in foster care more frequently than others, remain in care longer, and that older and handicapped black children frequently await adoption disproportionately longer. Reasons for the continuance of such problems include limits of available services, inadequate staffing, complexity of family problems, and biases among services providers. Happily, the black community now adopts children from the public child welfare agencies at a rate 4.5 times greater than white or Hispanic communities. Adoption subsidy claims have increased and agencies are recruiting more black families. Still, preventive services and case review systems for children in foster care need attention. In view of the increase in teen-age pregnancy, families waiting to adopt black infants should get on waiting lists: the infants will be available. Finally, research indicates that racist factors in agencies can be countered. (RH)

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How are Black Children Faring under P.L. 96-272

1. I have spoken on this subject in 1981 (1 year after legislation) and again in 1983 in terms of what this law means for Black children in the child welfare system.

   In 1981 we were cautious but hopeful that it would mean changes.

   In 1983, it was difficult not to give the same speech -- there had not been much movement.

   Here in 1985, there are patches of brightness but overall the picture of Black children in the child welfare system has not improved in relation to the potential of P.L. 96-272.

2. History

   What was the situation of Black Children in the child welfare system before P.L. 96-272?

   Briefly:

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Overall, there was a disproportionately high number of Black children in foster care.

- They comprised an uncertainly estimated 28-40% of the national foster care population, and studies had fully demonstrated that many of the family disruptions leading to the placements could have been prevented had services to strengthen and keep the family united been emphasized over placement in substitute care.

- Once in foster care, Black children received substantially different services and placements -- Black children were most often placed with public agencies that often have fewer resources and services available than do private agencies. Further, Black children were more frequently placed in institutions and less likely to receive care in residential treatment centers when such care seemed indicated.

- Black children in foster care faced inordinate obstacles to return to their natural families or to finding adoptive homes. A range of fallacies, myths and distortions about

Black family life allowed agencies to make many unwarranted decisions regarding the children and their return home and families received fewer services to remediate problems and were hard pressed to show that they were ready for the child to return. Once in care Black children remained in care for measurably longer periods than white children, they were subject to being "lost" in the system and when dealt with, agencies tended to terminate parental rights and take permanent custody at a higher rate than they did for white children.

- For the children for whom parental rights were terminated, however, permanent homes were not provided. Although Black children were thought to represent 40% of all children eligible for adoptions, they participated in less than 20% of all adoptive placements. Agencies consistently failed to aggressively and objectively pursue adoption of Black children.

Overall, then, services were not rendered to prevent placement, foster care was allowed to go on too long or to become the resolution of the child's situation as opposed to finding a permanent home.

3. What did P.L. 96-272 offer to change this?

It could be said that the overwhelming problem for Black children in the child welfare system was that with so many Black children in the system for so long, all of the problems and weakness in the system were especially visited on Black children. Therefore, provisions in the legislation which limit the use of foster care and are directed to improving the quality of services to children in foster care were particularly promising to people concerned with the well being of Black children.

[In this context] Essentially, P.L. 96-272 provided for

- An emphasis on preplacement preventive services so that the first response to a troubled family did not need to be removing the child.

  Instead, there was to be a network of supportive services to assist the family (or the child) while the family remained together, e.g. emergency services, day care, homemaker services, crisis intervention counselling.

- For children in foster care, a plan for getting the child out of care as quickly as possible -- attention to family supporting activities in the meanwhile and attention to the needs and well-being of the child including most family-like setting and services to reduce problems leading to placement.

- parents were to be involved in planning and reviews regarding the child and services provided to relieve their specific problems so that the child could return home.

- subsidized adoption -- assistance in costs of care for "special needs" children -- was to be available in every State. Special needs children were to be defined by the States but basically, they are children who are school aged, sibling groups, mentally or physically handicapped or members of minority groups.

4. <u>How has it worked?</u> <u>Downside</u>

o Although the overall number of kids in foster care is down from 503,000 in 1977 to 269,000 in 1983, the percentage of minority children is up. Black kids make up 33.1% of the

foster care population, although they are only 14% of general population. In 1982, 55% of the Black children had been in care for two years or longer compared to 36% of the white children. Over 1/4 of Black children in foster care remain there for 5 years or more.

A survey by the Office for Civil Rights, DHHS, in 1980 found somewhat different results but in the same direction:

- 42% of the children in foster care were minorities.
- Minority children remained in care significantly longer than white children, and this was especially true in the differential between Black children and white children.
- Black children account for the largest percent of minority children in foster care (almost 80%), followed by Hispanic (about 15%), American Indian (4%), and Asians about one percent.
- In 1983, 36,000 children were free for adoption and awaiting adoptive placement. 37% of these are Black (approximately 13,000). Many of these children are older or have handicaps.

Why has this happened? Why is this?

- limits of available services due to lack of funds, and resources distribution -- especially for preventive services and supportive services, e.g. housing, counselling, day care.

- insufficient staff, especially trained staff.

- complexity of problems of families.

- biases in services providers
  e.g. decisions on when to move chidren;
  decisions on adoptability -- due to age, race, handicaps;
  decisions on adoptive parents, e.g. who are acceptable people to become adoptive parents.

5. Trends Upside

Mostly in Adoption

o The Black community is adopting children from the public child welfare agencies at a rate 4.5 times greater than white or Hispanic community, (18 Black children were

adopted per 10,000 black families, 4 white children are adopted per 10,000 white families; 3 Hispanic children per 10,000 Hispanic families).

o Adoption subsidy claims have increased from about $5 million for a monthly average of 4,200 kids from 27 States in 1982 to about $19.5 million for 10,500 kids from 47 States in 1984.

Agencies are recruiting more Black families. Until recently, the Black community did not know there were waiting children--once aware, black community is very responsive.

Still Need Attention

- Preventive services/community-based for prevention

- Case review systems for children in foster care

What can be done?

- There is no shortage of adoptive homes for healthy Black infants -- there is no evidence of long waiting periods for

adopting these children-- However, with the increase of teen age pregnancy, the available pools of families can be depleted -- can outstrip the number of families. Families waiting to adopt Black infants should get on waiting lists because the children will be there.

A study by Weststat found racist factors in agencies can be dealt with through certain kinds of practices such as insisting on trained, effective Black workers and on Black volunteers.